

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------------|---|---------------------|
| -----X | : | |
| ANGELINA HERRERA, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 23-CV-677 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| RICARDO TORRES and MARIO BAUTISTA, | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:


On January 26, 2023, Plaintiff filed this action against Defendants. (Doc. 1.) Plaintiff obtained a summons on January 26, 2023. Plaintiff did not file an affidavit of service or take any other action to prosecute this case for more than ninety days. Therefore, on May 2, 2023, I ordered Plaintiff to submit a letter demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 4.)¹ I warned Plaintiff that “failure to submit a letter and to demonstrate good cause for failure to serve Defendants within ninety days after the complaint was filed will result in dismissal of this action.” (*Id.*) To date, Plaintiff has not filed a letter on the docket explaining her failure to serve Defendants or an affidavit of service. Accordingly, it is hereby

ORDERED that Plaintiff’s claims are dismissed without prejudice pursuant to Rule 4(m). The Clerk of Court is respectfully directed to terminate this action and send a copy of this Order to Plaintiff.

SO ORDERED.

¹ Although Plaintiff filed her consent to electronic service, (Doc. 2), out of an abundance of caution, I ordered the Clerk of Court to send a copy of the May 2, 2023 order to Plaintiff and extended Plaintiff’s time to respond to May 25, 2023, (Doc. 5).

Dated: May 30, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge